

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Trent C. Howard

v.

Civil No. 11-cv-553-JL

Catholic Medical Center

O R D E R

The case is dismissed. As the case was not yet filed in state court at the time of the attempted removal, it is not "pending" there. [28 U.S.C. § 1441\(a\)](#) (limiting removal to "pending" civil actions "brought in a State court"). "It is axiomatic that a case cannot be removed before its inception." [Carvalho v. Equifax Info. Servs., LLC](#), 629 F.3d 876, 885 (9th Cir. 2010); see also 14C Charles Alan Wright et. al, Federal Practice & Procedure § 3731, at 516-17 (4th ed. 2009) ("if no claim has been filed, no action is pending, so removal is premature and will be rejected") (footnote omitted). The clerk shall close the case.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: February 27, 2012

cc: Trent C. Howard, pro se
Mark T. Broth, Esq.